

APPENDIX 2 TO REPORT LB27/17
SPECIAL ANGUS LICENSING BOARD – 24 APRIL 2017

LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW PROPOSAL

A premises licence review proposal has been received from Angus Licensing Board in respect of:

The Plough Inn, 48 Market Street, Forfar

The Board are asked to note where a Licensing Standards Officer receives a copy of a premises licence review proposal, the Licensing Standards Officer must, before the review hearing, prepare and submit to the Licensing Board a report on the proposal. The Board must take this report into account at the hearing.

Background:

An application dated 30 March 2017 was received from Police Scotland requesting the Board considers carrying out a review of the premises licence for Plough Inn, 48 Market Street, Forfar. At the Licensing Board on 6 April 2017 Board members determined the application was not vexatious and did disclose any matter relevant to any ground for review; subsequently, a Special Licensing Board was convened to take place on 24 April 2017.

Licensing Standards Officer's Report:

This report details the actions I have carried out with regards to the Plough Inn since I commenced employment as the Licensing Standards Officer in November 2015.

After a number of previous issues, a Licensing Intervention Plan was issued by Police Scotland on 16 February 2016.

On 9 February 2016 I visited the premises to carry out a routine check; a number of issues were identified and Mr Whyte was written to outlining the remedial actions that were required to take place to comply with the Licensing (Scotland) Act 2005 and Angus Licensing Board's Statement of Licensing Policy.

On 6 October 2016 I visited the premises after I had been made aware of a price promotion that was taking place that may fail to satisfy the licensing objectives. After meeting with Mr Whyte I was content that he was managing the events appropriately and that the licensing objectives were being met.

On 27 October 2016 a joint visit was carried out by Sgt Smith, Police Scotland and I after a disturbance the previous weekend. During the visit we discussed the management and stewarding of the premises and Sgt Smith requested Mr Whyte inform Police Scotland of all future events; Mr Whyte then advised of an event the coming weekend. Sgt Smith gave advice on managing the event.

On 31 October 2016 Sgt Smith advised that there more disturbances over the weekend and that investigations were being made into alleged underage drinking within the premises; I was not made aware of the outcome of these investigations and, to the best of my knowledge, no prosecutions were made as a result of the allegation.

On 22 December 2016 I conducted a joint visit with PC Scanlon, Police Scotland after 2 complaints had been received from a neighbour regarding under 18 discos. During the visit Mr Whyte admitted that the event on Thursday 15th December 2016 had not been managed appropriately and that under 18s were able to exit the premises and, allegedly, access alcohol they had stored in neighbouring gardens and under cars before returning to premises.

A further under 18s disco took place on Monday 19th December 2016 that went by without incident after Mr Whyte had arranged for an additional member of staff to be located outside to stop patrons leaving the premises to potentially access alcohol stored off the premises. Both events were held within the premises' function room and were alcohol free.

PC Scanlon spoke at length regarding the need for sufficient staff to manage the inside and outside of the premises and Mr Whyte advised that he would introduce a night-club type policy of once you leave the premises you do not get back in. He also acknowledged that the member of staff outside could alleviate issues in the alleyway.

On 21 March 2017 I met with Mr Whyte to discuss the incident that took place on 11 March 2017. Mr Whyte informed me that there were around 130 patrons at the event, he had 8 members of staff on duty (including himself), 2 of which were SIA badged stewards (Mr Whyte holds a SIA badge). One member of staff managed the outdoor area, 2 managed the entrance, 1 was in the main bar, 2 were behind the bar in the function room, one monitored the function room and Mr Whyte was the DJ for the evening and monitored the fire exit at the rear of the function room.

Mr Whyte advised me that the incident took place at around midnight when new patrons had stopped entering the premises. The 15 year old girl had entered the side entrance to the premises when the SIA badged steward who was managing the entrance was required to deal with a family argument within the function hall; the girl was then able to enter the premises unchallenged.

When entering the function hall the girl was immediately spotted by a member of staff who requested the assistance of the SIA steward at the door and escorted the girl out of the hall towards the front door of the premises. The girl's clothing was dishevelled so the female member of staff gave the young girl assistance. At this point police officers entered the premises and took control of the situation – the girl had been on the premises for less than 5 minutes.

Mr Whyte advised me that he had been informed that the girl had been given a lift from Kirriemuir and had consumed alcohol before entering the premises; she was not served any alcohol and did not consume any within the premises.

On 23 March 2017 I visited the premises to carry out a routine check; the small number of observations raised had been rectified when I revisited the premises on 4 April 2017.

On 31 March 2017 Mr Whyte informed me that he had received an offer for the premises which he has accepted; he will be closing the front bar on 8 April 2017 and will only be carrying out events in the function room. Mr Whyte advised me that he has cancelled 3 18th birthday party bookings he had received and that he would not be taking any further bookings for similar events that attract a large number of youths. Mr Whyte hopes the sale of the property will be concluded to allow the transfer of the premises licence to the new leaseholder to take place around July/August 2017.

Mark Gillespie
Licensing Standards Officer
Angus Council

12 April 2017